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UNITED STATES DISTRICT COURT  
DISTRICT OF OREGON  
MEDFORD DIVISION

**JOHN WOODWORTH and GILDA HODGES,**

Case No. 09-CV-3058-CL

Plaintiffs,

v.

**BANK OF AMERICA, NATIONAL ASSOCIATION**, as successor in interest to **COUNTRYWIDE BANK, FSB; RECONTRUST COMPANY, NATIONAL ASSOCIATION, and FEDERAL HOME LOAN MORTGAGE CORPORATION, aka FREDDIE MAC,**

**DECLARATION OF MEGAN E. SMITH IN SUPPORT OF DEFENDANT BANK OF AMERICA'S REQUEST FOR JUDICIAL NOTICE**

Defendants.

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I, Megan E. Smith, declare as follows:

1. I am an attorney at Lane Powell PC, one of the attorneys of record for defendant Bank of America, National Association, as successor in interest to Countrywide Bank, FSB ("B of A"). I am competent to testify and make this declaration based on my personal

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knowledge. If called as a witness, I could and would testify to the facts stated herein. I make this declaration in support of B of A's Request to Take Judicial Notice.

2. Attached as Exhibit 1 is a true and correct copy of the Notice of Right to Cancel ("NORTC") dated June 25, 2008 that corresponds with the June 28, 2008 refinance of the property held by plaintiffs located at 94191 8th Street, Gold Beach, Oregon 97444 (the "Property"). Plaintiffs' allegations relating to TILA damages and rescission based on the content and form of this NORTC are at paragraphs 14, 15, 36-40, and 67(1) of their Second Amended Complaint ("SAC") (doc. No. 28).

3. Attached as Exhibit 2 is a true and correct copy of the Deed of Trust in the amount of \$143,200 relating to the 2007 refinance on the Property. The Deed of Trust was recorded in the Curry County Recorder's office on June 14, 2007, as evidenced by the clerk's stamp on the Deed. Plaintiffs reference the 2007 refinance at paragraphs 1, 11, 17, 53, 55, 59, and 63(1) of the SAC. The Deed of Trust is a matter of public record and is publicly available.

4. Attached as Exhibit 3 is a true and correct copy of the HUD-1 for the \$50,000 loan provided to plaintiff Woodworth on or around July 8, 2005 by Countrywide/Full Spectrum Lending, wherein, according to the HUD-1, he received cash out in the amount of \$44,467.49. Plaintiffs reference the 2005 refinance at paragraphs 1, 11, 17, 53, 55, 59, and 63(1) of the SAC. The HUD-1 is a government record and is publicly available.

5. Attached as Exhibit 4 is a true and correct copy of the HUD-1 for the \$18,000 loan provided to plaintiffs Woodworth and Hodges on or around February 16, 2006 by Countrywide Home Loans, Inc., wherein, according to the HUD-1, they received cash out in the amount of \$16,573.65. Plaintiffs reference the 2006 refinance at paragraphs 1, 11, 17, 53, 55, 59, and 63(1) of the SAC. The HUD-1 is a government record and is publicly available.

6. Attached as Exhibit 5 is a true and correct copy of the HUD-1 for the \$114,000 loan provided to plaintiff Woodworth on or around August 18, 2006 by Sierra Pacific Mortgage

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Company, Inc., wherein, according to the HUD-1, he received cash out in the amount of \$39,502.41. The HUD-1 is a government record and is publicly available.

7. Attached as Exhibit 6 is a true and correct copy of the HUD-1 for the \$143,200 loan provided to plaintiff Woodworth on or around June 6, 2007 by Countrywide Full Spectrum Lending, wherein, according to the HUD-1, he received cash out in the amount of \$14,173.75. Plaintiffs reference the 2007 refinance at paragraphs 1, 11, 17, 53, 55, 59, and 63(1) of the SAC. The HUD-1 is a government record and is publicly available.

8. Attached as Exhibit 7 is a true and correct copy of the HUD-1 for the \$161,250 loan provided to plaintiff Woodworth on or around June 28, 2008 by Countrywide Bank FSB, wherein, according to the HUD-1, he received cash out in the amount of \$12,886. Plaintiffs reference the 2008 refinance at paragraphs 1, 11, 13-18, 25, 27, 36-40, 47, 53, 55, 59, and 63(1) of the SAC. The HUD-1 is a government record and is publicly available.

**Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.**

DATED: June 25, 2010

*s/ Megan E. Smith*  
Megan E. Smith

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